

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**
C.A. No. 24-mc-20492-ALTMAN

In re Application of	:
	:
PHILIPPE MARTINEZ,	:
MSR MEDIA SKN LTD.,	:
	:
Applicants, for an Order Pursuant to	:
28 U.S.C. § 1782 to Conduct Discovery	:
for Use in Foreign Proceedings.	:

**OPPOSITION TO MOTION TO QUASH APPLICANTS' SUBPOENA AND TO
CARIBBEAN GALAXY REAL ESTATE CORPORATION AND YING JIN'S JOINDER**

1. Philippe Martinez and MSR Media SKN Limited ("Applicants"), through undersigned counsel, hereby oppose the Motion to Quash Applicants' Subpoena ("Motion to Quash"), dated February 29, 2024 [ECF No. 10], filed by Dr. Timothy Harris ("Movant"), and Caribbean Galaxy Real Estate Corporation and Ying Jin's Joinder in Dr. Timothy Harris' Motion to Quash Applicants' Subpoena ("Joinder"), dated March 4, 2024 [ECF No. 14], filed by Caribbean Galaxy Real Estate Corporation and Ying Jin (together, "Caribbean Galaxy") and respectfully ask this Court to deny the Motion to Quash. In support thereof, Applicants state as follows.
2. The Motion to Quash and Joinder are procedurally improper because Movant and Caribbean Galaxy have not complied with Rule 24 of the Federal Rules of Civil Procedure.
3. The Application meets the statutory requirements of 28 U.S.C. § 1782. The information sought will be used in the ongoing Foreign Defamation Proceedings to prove the defense that Applicants have plead before the High Court of Justice in St. Kitts and Nevis. Movant incorrectly attempts to inject requirements of discoverability and admissibility into the

statutory scheme. In fact, the Supreme Court and courts in the circuit have rejected such arguments, noting that the foreign court is better suited to interpret its own laws and procedural requirements.

4. Federal Rule of Civil Procedure 45(a)(4) is not applicable to the instant case and did not require Applicants serve Caribbean Galaxy with the Subpoena prior to serving Bank of America, N.A. Caribbean Galaxy is a non-party to the *ex parte* Application proceeding and therefore not entitled to notice under Rule 45.
5. Applicants therefore respectfully request that this Court deny the Motion to Quash and Joinder.

WHEREFORE, Applicants respectfully request that this Court:

- a. Deny Dr. Timothy Harris's Motion to Quash Applicants' Subpoena and Caribbean Galaxy Real Estate Corporation and Ying Jin's Joinder in Dr. Timothy Harris' Motion to Quash Applicants' Subpoena; and
- b. Grant any and all other further relief to Applicants as deemed just and proper.

Respectfully submitted,

MILLER & CHEVALIER CHARTERED

/s/ Lisandra Ortiz

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*Attorney for the Applicants, Philippe
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